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09/884,704	06/19/2001	Dale Koenigs	220-245/TEL0552	4050

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EXAMINER

LE, DANG D

ART UNIT PAPER NUMBER

2834

DATE MAILED: 09/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/884,704

Applicant(s)

KOENIGS ET AL.

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the internal grounding conductor . . . being in electrical connection with . . . said stator" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The abstract of the disclosure is objected to because it contains the word "comprises" in line 2. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 7 recites the limitation "said motor housing" in lines 1 and 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hogue.

Regarding claim 1, Hogue shows an electric motor (Figure 2) comprising:

- A stator (20);
- A rotor (21) within said stator, said rotor including an output drive element (shaft);
- A housing (17) partially enclosing said stator and rotor;
- A plastic end bell (12) disposed over an end of said housing to enclose said stator and rotor, said end bell having a metallic bearing (25) carried thereby, said bearing rotatably supporting an end of said drive element;
- A ground terminal (27) connected to said end bell, said terminal adapted for connection to an external ground lead; and
- An internal grounding conductor (41) in said end bell and being in electrical connection with said bearing (25), said stator (20) and said ground terminal (27).

Regarding claim 2, it is noted that Hogue also shows said end bell further including at least one aperture therein (where 18 fed in), said aperture receiving a plurality of external electrical leads, one of said plurality of external electrical leads being a ground lead connected to said ground terminal.

Regarding claim 3, it is noted that Hogue also shows said ground terminal (27) extending above an interior surface of said end bell.

Regarding claim 4, it is noted that Hogue also shows said bearing (25) being a bushing and said rotor drive element being a shaft, one end of said shaft being received in said bushing.

Regarding claim 5, it is noted that Hogue also shows said internal grounding conductor being a metal grounding strip at least partially embedded in said end bell.

Regarding claim 6, it is noted that Hogue also shows said grounding conductor comprising a first grounding strip (45) extending from said bearing to said ground terminal and a second grounding strip (41) extending from said ground terminal and being electrically connected to said stator.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogue in view of Kiefer et al.

Regarding claim 7, Hogue shows all of the limitations of the claimed invention except for said motor housing being metallic and being in electrical contact with said stator, and including a plurality of metal screws connecting said end bell to said motor

housing, and wherein said second grounding strip is in electrical connection with one of said metal screws.

Kiefer et al. show said motor housing (46) being metallic and being in electrical contact with said stator, and including a plurality of metal screws (120) connecting said end bell (28) to said motor housing, and wherein said second grounding strip is in electrical connection with one of said metal screws for the purpose of providing an electrical connection.

Since Hogue and Kiefer et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make said motor housing metallic and in electrical contact with said stator, and to include a plurality of metal screws connecting said end bell to said motor housing, and wherein said second grounding strip is in electrical connection with one of said metal screws as taught by Kiefer et al. for the purpose discussed above.

Regarding claim 8, it is noted that Kiefer et al. also show said motor housing being metallic and in electrical contact with the said stator, and including a plurality of metal screws connecting said end bell to said motor housing, wherein said internal grounding conductor electrically connects said ground terminal to at least one of said metal screws to thereby ground said stator.

Regarding claim 9, it is noted that Hogue also shows said grounding conductor being a metallic grounding strip at least partially embedded in said end bell.

Regarding claim 10, it is noted that Hogue and Kiefer et al. also show said grounding strip comprising a first grounding strip extending from said bearing to said ground terminal and a second grounding strip extending from said ground terminal to said at least one metal screw.

10. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogue in view of Matsushima et al.

Regarding claim 11, Hogue shows all of the limitations of the claimed invention except for said motor being a starter motor for an engine and said starter motor including a starter drive mechanism on an opposite end of said drive element from said end supported in said bearing.

Matsushima et al. show said motor being a starter motor for an engine and said starter motor including a starter drive mechanism (Figure 11) on an opposite end of said drive element from said end supported in said bearing for the purpose of making a starting motor.

Since Hogue and Matsushima et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make said motor a starter motor for an engine and to include in said starter motor a starter drive mechanism on an opposite end of said drive



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element from said end supported in said bearing as taught by Matsushima et al. for the purpose discussed above.

Regarding claim 12, it is noted that Matsushima et al. also show a second plastic end bell disposed on an opposite end of said motor housing.

***Information on How to Contact USPTO***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
September 2, 2002

*DL*

*Dang D Le*